

DEC. 7. 2001 3:00PM

TTC PALO ALTO

NO. 7633 P. 3

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Attorney Docket No.: 082845000000US

Client Ref. No.: 131,652 PCT/US

PTO/SB/01A (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

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This declaration is directed to:

MAR 04 2002

OFFICE OF PETITIONS

- ☐ The attached application, or
- ☒ Application No. 09/830,830, filed on April 30, 2001,
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

This Declaration is filed under Rule 1.47(b). Upon information and belief, and pursuant to Rule 1.64, Applicant hereby states the facts which the inventor is required to state. The relationship between Applicant and inventor is as follows: Applicant is the assignee of the present application, having been assigned rights from assignor Satec Ecochem Ltd. Satec's proprietary rights in the application were a result of the inventor's employment with Satec.

FULL NAME AND RESIDENCE (same as POST OFFICE ADDRESS) OF INVENTOR(S)

Inventor one Solomon Flax, Rechov Neva Yaacov 102/5, Jerusalem, Israel 98350 Date: _____

Signature: _____ Nonsigning Inventor Citizen of: Israel

Rule 47(b) Applicant Mr. John Ornes Date: 30.12.01
Managing Director
JOMA CHEMICAL AS

Signature: John Ornes Citizen of: Denmark

As established in the accompanying Petition under 37 CFR §47(b), JOMA CHEMICAL AS is the juristic entity having a demonstrated proprietary interest to make application on behalf of and as agent for the inventor who cannot be found or reached after diligent effort or who refuses to sign the application oath or declaration. Applicant has concluded the inventor's conduct constitutes a refusal to sign.

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. PA 3158618 v1

Application Information

Application number:: 08/830,830
Filing Date:: April 30, 2001
Application Type:: Regular
Subject Matter:: Utility
Suggested classification::
Suggested Group Art Unit::
CD-ROM or CD-R??::
Number of CD disks::
Number of copies of CDs::
Sequence Submission::
Computer Readable Form (CRF)?::
Number of copies of CRF::
Title:: PROCESS FOR PRODUCING METAL-
CONTAINING SULFIDE ORES
Attorney Docket Number:: 082845-000000US
Request for Early Publication:: No
Request for Non-Publication:: No
Suggested Drawing Figure::
Total Drawing Sheets:: 1
Small Entity?:: Yes
Latin name::
Variety denomination name::
Petition included?:: No
Petition Type::
Licensed US Govt. Agency::
Contract or Grant Numbers One::
Secrecy Order in Patent Appl.?:: No

Inventor Information

Inventor Authority Type:: Inventor
Primary Citizenship Country:: Israel
Status:: Full Capacity
Given Name:: 1-000 Solomon
Middle Name::
Family Name:: Flax
Name Suffix::
City of Residence:: Jerusalem
Country of Residence:: Israel
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City:: Jerusalem
Country:: Israel ILX
Postal or Zip Code:: 98350

Correspondence Information

Correspondence Customer Number:: 20350

Representative Information

Domestic Priority Information

Application::
08/830,830

Continuity Type::
National Stage of

Parent Application::
PCT/IL00/00513

Parent Filing Date::
08/29/00

Foreign Priority Information

Country::

Application number::

Filing Date::

Israel

131,652

08/30/99

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OFFICE OF PETITIONS

**DECLARATION UNDER MPEP 409.03(d)
OF GILBERT GOLLER**

Regarding US Patent Application 09/830,830, filed April 30, 2001

I, Gilbert Goller, an Israeli citizen residing at 20 Dan Street Jerusalem 93509 Israel declare that:

1. On or about December 28, 2000, Dr. Solomon Flax visited the offices of Wolff, Bregman and Goller Patent Attorneys, 19B, Keren Hayesod Street, Jerusalem 94189 ISRAEL, to discuss with me the preparation of a patent application having nothing to do with Satec or Joma.
2. During this visit I asked Dr. Flax to execute the forms for US Application 09/830,830 and other forms relating to corresponding cases.
3. In response Dr. Flax made an express oral refusal to execute the documents for US application 09/830,830 or any other forms relating to this matter.
4. Dr. Flax indicated his reason for refusing to sign the applications was because of a dispute which arose with Satec upon the termination of his employ therewith.
5. I am the Patent Attorney who drafted and filed Israel Application 131,652 on August 30, 1999 upon which the above identified US application claims priority and can categorically state from personal knowledge that this application was filed in the name of Satec Ecochem Ltd. as applicant and sole owner listing Dr. Solomon Flax only as the inventor thereof and this with full approval and knowledge of Dr. Solomon Flax and this in accordance with the provisions of Section 132 of the Israel Patent Law providing that an invention of an employee becomes the property of the employer unless the employer renounces the right thereto.
6. I declare under penalty of perjury of the laws of the United States of America that the forgoing is true and correct.

Executed on: November 13, 2001

Gilbert Goller

12.OCT.2001 12:30

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P.3

LEGAL MEMORANDUM

I am an attorney at law and am familiar with the law of Israel.

I have read and considered the following evidentiary documents.

1. Affidavit of Gideon Kahana, Managing Director of SATEC ECOCHEM LTD, dated June 26, 2001.
2. Section 132 of the Israel Patents Law 1967.
3. Assignment of Israel Patent Application 131,652, including the right to all patent applications and patents in additional countries based thereon, from SATEC ECOCHEM LTD to JOMA CHEMICAL AS.

It is my opinion, based on the facts and materials presented to me and of which I am presently aware, that the Israel District Court would, by the weight of authority in Israel, award title of the invention (US Patent Application 08/830,830) to JOMA CHEMICAL AS.

In forming this opinion, I have relied upon the provisions of the Israel Patent Law, as applied to the facts and averments contained in the evidentiary documents and as presented to me.



Yasser Bregman LL.B.

Advocate
Israel